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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,372	11/30/2001	Young Joseph Paik	107262.151US3	6980

32588 7590 04/22/2004

APPLIED MATERIALS, INC.  
2881 SCOTT BLVD. M/S 2061  
SANTA CLARA, CA 95050

EXAMINER

ROSE, ROBERT A

ART UNIT PAPER NUMBER

3723

14

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/998,372

Applicant(s)

PAIK, YOUNG JOSEPH

Examiner

Robert Rose

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12-8-03, 12-18-03, 3-29-04.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 18-21, 33-39 and 41-49 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-32 and 40 is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12-18-03, 3-29-04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

1. Receipt is acknowledged of Applicant's Prior Art Statement, filed December 18, 2003, and March 29, 2004, respectively..
2. Applicant's election with traverse of Group I(claims 1-17, 22-32, and 40) in Paper No. 11 is acknowledged. The traversal is on the ground(s) that the inventions are not patentably distinct. This is not found persuasive because as shown in the first Office action, the inventions are shown to be both independent and distinct, and to have non-coextensive fields of search. To require examination of both sets of claims in a single application would constitute a burdensome search.

The requirement is still deemed proper and is therefore made FINAL.

3. Claims 18-21, 33-39, and 41-49 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 11. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 6 the use of the alternative phrase "and/or" is deemed to render the scope of the claim indefinite.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-8, and 12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by

Inaba et al. Inaba et al disclose a method of conditioning a planarizing surface in a cmp

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apparatus comprising all of the subject matter set forth in applicant's claims above. A wafer is polished while the stock removal of the wafer is determined, and a CPU compares the actual stock removal to a model stock removal stored in RAM, and the difference is then used to determine the frequency of dressing of the polishing pad. In this instance the updated conditioning parameter is the frequency or timing of the dressing.

6. Claims 9-11, and 13-17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

7. Claims 22-32, and 40 are allowed.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moore, and Tobin et al are cited of interest to show methods of controlling the conditioning of a planarizing surface by use of a force sensor to control the motion, position, or force between the conditioning body and the planarizing medium. Osterheld is cited of interest to show generating a pad wear profile and changing any of various conditioning parameters as a result of the measurements of the pad wear profile for the next batch of wafers to be processed.

9. Any inquiry concerning this communication should be directed to Robert Rose at telephone number (703) 308-1360.

rr

April 5, 2004.



ROBERT A. ROSE  
PRIMARY EXAMINER

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